

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH POUSHA 1928

WP(C).No. 34484 of 2006(E)

PETITIONER:

SASIDHARAN, AGED 62 YEARS,
KALAYI VEEDU, KANNIMEL CHERRY,
KILIKOLLOOR P.O., KOLLAM.

BY ADV. SRI.V.VENUGOPALAN NAIR

RESPONDENTS:

1. SANIL, S/O.SUKUMARAN, 'SUBHA REMYA'
HOUSE, POZHICKARA, PARAVOOR.
2. SARASWATHY, W/O.SUKUMARAN
SUBHA REMYA HOUSE, POZHICKARA, PARAVOOR.
3. CHELLAPPAN, S/O. SANKU,
SUBHA REMYA HOUSE, POZHICKARA, PARAVOOR.
4. SHAJI, S/O.SREENIVASAN,
VALIYAVEEDU, KONGAL CHERRY,
KOTTAPPURAM VILLAGE.
5. STATE OF KERALA, REP. BY S.I. OF
POLICE, PARAVOOR, KOLLAM, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY GOVERNMENT PLEADER SRI.GIKKU JACOB
ADV.R.KRISHNARAJ FOR R2, R3 & R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R.BASANT, J

W.P(C).No.34484 of 2006

Dated this the 3rd day of January, 2007

JUDGMENT

The grievance of the petitioner is that a refer report is about to be accepted by the learned Magistrate without and before giving the defacto complainant a reasonable opportunity to raise objections against the refer report. The petitioner is not the defacto complainant, but is the father's brother of the defacto complainant. The short request of the petitioner's counsel in the course of the submission at the Bar is that the defacto complainant may be granted time till 20.01.2007 to appear before the learned Magistrate and raise her objections.

2. Various objections are raised. It is contended that the petitioner has no locus to file such a writ petition. It is further submitted that the defacto complainant has no possible reasonable objections which she can raise before the learned Magistrate. The report of the learned Magistrate was called for and the learned Magistrate has reported that the matter now stands posted to 20.01.2007 to consider the refer report submitted by the police after further investigation under Section 173(8) Cr.P.C.

3. I am, in these circumstances, satisfied that without going to unnecessary details, there can be a direction to the learned Magistrate to give opportunity to the defacto complainant to raise all her objections against the refer report and take decision in the matter only after 20.01.2007. I appreciate the request of the learned counsel for the respondent that the learned Magistrate may be directed to dispose of the matter as expeditiously as possible thereafter. Every effort must be made by the learned Magistrate to pass orders on the acceptability of the refer report submitted by the Investigating Officer as expeditiously as possible after 20.01.2007.

4. This Writ Petition is, accordingly allowed in part.

(R.BASANT, JUDGE)

rtr/-